

LINCOLN, GUSTAFSON & CERCOS
ATTORNEYS AT LAW
225 Broadway, Suite 2000
San Diego, California 92101
(619) 233-1150
(619) 233-6949 fax

(SPACE BELOW IS FOR FILING STAMP ONLY)

RANDALL D. GUSTAFSON /NV Bar No.5342
 SHANNON G. ROONEY /NV Bar No. 8241

Attorneys for FIRE MATERIALS GROUP, LLC, and
 TELGIAN CORPORATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

R&O CONSTRUCTION COMPANY, a)	CASE NO: 2:09-cv-00147
Utah corporation,)	
)	STIPULATION AND ORDER FOR
Plaintiff,)	DISMISSAL WITH PREJUDICE OF THE
)	ENTIRE ACTION
v.)	
)	
FIRE MATERIALS GROUP, LLC, a)	
Georgia limited liability)	
company; TELGIAN CORPORATION, a)	
California corporation; and)	
WESTCHESTER SURPLUS LINES)	
INSURANCE COMPANY, a Georgia)	
corporation,)	
)	
Defendants.)	
)	
<u>FIRE MATERIALS GROUP, LLC, and</u>)	
<u>TELGIAN CORPORATION,</u>)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
RED ROCK FIRE PROTECTION and)	
ROES 1-50,)	
)	
<u>Third-Party Defendants.</u>)	

The parties who have entered an appearance in the above-captioned matter, Plaintiff, R&O CONSTRUCTION COMPANY, ("Plaintiff"), Defendant, WESTCHESTER SURPLUS LINES INSURANCE COMPANY, ("WESTCHESTER"), Defendant, FIRE MATERIALS GROUP, LLC, ("FMG"), and Defendant, TELGIAN CORPORATION ("TELGIAN"), by and

1 through their respective counsel of record, hereby stipulate for
2 dismissal of the above-captioned matter as follows:

3 WHEREAS the parties have reached full and final settlement
4 in the above-captioned matter;

5 ACCORDINGLY, IT IS HEREBY STIPULATED by and between counsel
6 for Plaintiff, counsel for FMG and TELGIAN, and counsel for
7 WESTCHESTER that the Complaint filed by Plaintiff, and the
8 Third-Party Complaint filed by FMG and TELGIAN against Third
9 Party Defendant, RED ROCK FIRE PROTECTION, and any other claims,
10 cross-claims, counter-claims, or third-party claims by or
11 between the above-referenced parties are hereby dismissed, with
12 prejudice, and each party shall bear its own fees and costs.

13 Therefore, good cause exists for the above-captioned matter
14 to be dismissed with prejudice, and counsel respectfully
15 requests that this Honorable Court adopt the Stipulation and
16 [Proposed] Order for Dismissal.

17 DATED: August 18, 2010 CALLISTER NEBEKER & McCULLOUGH

18 /s/ Michael D. Stanger

19 MICHAEL D. STANGER, ESQ.
20 Attorneys for Plaintiff

21 DATED: August 18, 2010

THE JOHNSON FIRM, LLC

22 /s/ C. Michael Johnson

23 C. MICHAEL JOHNSON, ESQ.
24 Attorneys for WESTCHESTER SURPLUS
25 LINES INSURANCE COMPANY

26 DATED: August 18, 2010

LINCOLN, GUSTAFSON & CERCOS

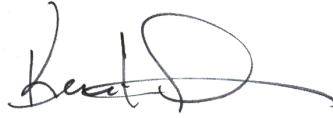
27 /s/ Shannon G. Rooney

28 RANDALL D. GUSTAFSON, ESQ.
SHANNON G. ROONEY, ESQ.

Attorneys for Defendants/Third
Party Complainants FIRE MATERIALS
GROUP, LLC and TELGIAN CORPORATION

IT IS SO ORDERED.

DATED: 8/19/2010



UNITED STATES DISTRICT JUDGE